In the Supreme Court of the United States

OCTOBER TERM, 1968

No. 875

ARMEMENT DEPPE, S.A., ET AL., PETITIONERS

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

SUPPLEMENTAL MEMORANDUM FOR THE UNITED STATES

At the request of the Department of State, I am transmitting a Note to it from the Embassy of Belgium relating to the above case. The Department of State also has requested me to inform the Court that it "takes no position on the views advanced in the Note and is transmitting the Note without comment." The views of the United States on this case are set forth in the brief in opposition already filed.

Respectfully submitted.

ERWIN N. GRISWOLD,
Solicitor General.

FEBRUARY 1969.

333-691—69

AMBASSADE DE BELGIQUE

No. 663

The Embassy of Belgium presents its compliments to the Department of State and, on instructions from his Government, and on behalf of the Governments of Belgium, France, the Federal Republic of Germany, Netherlands, Norway and Sweden, has the honour to draw the attention of the Department of State to the civil action, which in October 1963 was brought by the United States in the District Court for the Eastern District of Louisiana against the former members of the Continental United States Gulf Westbound Freight Conference for alleged violations of Sections 14(b) and 15 of the Shipping Act of 1916, for having failed to amend their dual rate contracts with shippers as required by Section 14(b) of the Shipping Act and to obtain approval of these amendments by the Federal Maritime Commission.

In February 1964 the European former members of the Conference moved to dismiss for lack of jurisdiction over the subject matter. After the denial of this motion by the District Court an interlocutory appeal from this denial was made to the United States Court of Appeals for the Fifth Circuit, which Court however, affirmed the denial.

On 23 December 1968 a petition for certiorari regarding the decision of the Court of Appeals was filed with the United States Supreme Court.

The United States Government will be aware that in April 1964 various of the above-mentioned Governments submitted notes to the State Department containing their views on this case; and on 13 April 1964 all the above Governments, in conjunction with the Governments of Denmark, Greece, Italy, Japan and the United Kingdom, drew the attention of the United States Government to their strong objections to its attempts unilaterally to impose on Conferences its views concerning the provisions of dual rate contracts which the eleven Governments considered came within their jurisdiction. In this particular case, the dual rate contracts of the Continental United States Gulf Westbound Freight Conference were made and performed within jurisdictions other than that of the United States and were valid and enforceable under the laws of those jurisdictions. In the view of the above six Governments the application of conflicting United States laws to these contracts resulting in an action to impose penalties for a failure to cancel the contracts infringes their jurisdiction. They express the hope that the Supreme Court of the United States will hear the case and in its consideration recognize the interests and jurisdictional rights which in their view are based on international law and accepted international practice.

The Embassy of Belgium also wishes to say, on behalf of the Governments of Denmark, Finland, Greece, Japan and the United Kingdom, that they are aware of this approach and fully support the principles in pursuance of which it is being made.

All the above Governments would be grateful if the Department of State would bring the contents of this note to the knowledge of the appropriate American authorities.

WASHINGTON, D.C., *February 5, 1969.*

THE DEPARTMENT OF STATE,
Washington, D.C.

U.S. GOVERNMENT PRINTING OFFICE: 1969